

MEETING RECORD

NAME OF GROUP: City Board of Zoning Appeals

DATE, TIME AND

PLACE OF MEETING: Friday, December 21, 2001, 1:30 p.m., City Council Chambers,
County-City Building, 555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS

IN ATTENDANCE: **Members:** George Hancock, Gene Carroll, and Tom Wanser

Others: Rodger Harris (Building and Safety), Tonya Skinner (City Law Dept.), Jason Reynolds and Missy Minner (Planning Dept.), applicant and other interested parties.

STATED PURPOSE

OF THE MEETING: Monthly Meeting of the City Board of Zoning Appeals

Chair Hancock called the meeting to order and requested a motion approving the minutes of the November 30, 2001 meeting. Motion for approval made by Wanser, seconded by Carroll. Motion for approval carried 3-0, Wanser, Carroll, and Hancock voting 'yes'; Krieser and Wibbels absent.

City Board of Zoning Appeals No. 2318

Requested by Bill Blake, on behalf of Mel Finke, for a variance to the front yard setback on property located at 820 Lakeside Drive.

PUBLIC HEARING

December 21, 2001

Bill Blake appeared on behalf of Mel and Barbara Finke who own the property at 820 Lakeside Drive and gave the following presentation.

This property is appropriate for a variance. It is located on the southwest corner of Capitol Beach on Lakeside Drive which is a collector street. The property is located right where Lakeside turns into Lakeshore.

There is nothing in Lincoln like the Capitol Beach area. This house is a typical nice house in Capitol Beach. It sits on a small lot, has no basement, has very little storage and no place to expand or update without building into the front yard. It is unique to the neighborhood and to this property.

The Finke's want to build a 1-stall garage with storage space and a closet off the master bedroom inside the house that would extend 17' into the front yard. This would solve a parking problem in the neighborhood. The proposed addition will match the existing house.

The Finke's have lived here almost 10 years. They have parked one of their vehicles in the grass across the street because it is not safe to park on the street with the sharp corners and curves in the area. They can no longer park in that area because a new apartment complex is being built there.

The Planning staff report is unfavorable and doesn't represent the facts. This property is perfect for a variance. The neighborhood presents a unique situation because Lakeshore has a 40' wide right of way. That is 20' per side. The right of way in front of the Finke's is 80' wide. The houses along North

Lakeshore Drive have 20' rights of way. There are probably 12 or more carports built on the property lines within 8' of the curb. The houses are very close to the street, some have a setback that is 12' from the curb. The norm on Lakeshore Drive is a 20' set back from the curb. The next door neighbor has two 2-stall garages and their house sits back from curb 28'.

The planning staff report suggests that other properties could ask for a similar variance. There are apartments to the south and west. The properties to the east are oriented to Surfside Drive. This is a short block with two properties that would have a similar situation. No one else could claim a similar situation.

There is no other way for the Finke's to expand and update their home. As pointed out in the staff report, they could continue to use this as a single family residence. However, that is the case with every appeal brought to the Board. That is not a criteria for a variance.

The two neighbors to the north and the two neighbors to the south have given their approval of the project. They were unable to contact the other neighbor. The Capitol Beach Homeowners Association also approve of the variance and they have the support of the neighborhood.

This is a unique property, a unique situation and this is the only realistic way to expand and update it. It is not safe to park on the street in this area, this would solve that parking problem as well.

Wanser stated that if there is a uniqueness to this neighborhood, it would have to do with the size of the right of way relative to the rest of the neighborhood. He wondered if they had tried to reduce the right of way rather than reduce the front yard. Blake was not aware of any applications for vacation. He pointed out that the problem with a vacation is that the neighbors have to agree to buy it. As a practical matter, it is impossible to get that done.

Wanser asked if you can park in the front yard setback. Harris indicated that you can park there, however you can't cover it.

Marc Wullschleger appeared. He lives in the house immediately to the south. He has lived there for 15 years. The Finke's have been his neighbors for 9½ years and he hopes they remain neighbors. He was of the opinion that the previous owners left because it was not possible to expand and update the property. They are unable to expand into the backyard because the lots are small. People on West Lakeshore have been able to make improvements to their homes with the help of the Board. Parking is a problem in the area. This is a unique area. He would like to see money being put into the area. The flight path of the airport, flood plain issues, and railroads are some of the problems with the area. He would like to see the Finke's be able to enhance value of their property. It would help to enhance his property value. He urged the Board to support this application.

Wanser asked if he had given any thought to reducing the right of way. That had not occurred to Wullschleger. He felt it would be an interesting solution, however he wasn't sure how viable it would be.

Carroll asked if Wullschleger anticipated coming forward to request a similar variance if the Finke's are successful. Wullschleger stated that he would not be interested in that at this time. He rents a warehouse for his storage.

Mel Finke appeared. He reiterated that the reason for the variance is to build a garage and additional storage space. They have two choices. Either purchase a larger home, which does not appeal to them as they love the lake and want to stay there. They don't need a larger house, they need more storage space. They would like to build third stall on the garage. He can not, in good conscience, park on the street. If he is in front of his own house, anyone coming from south would be in the path of the car coming around the curves. This situation gets even worse in winter with icy roads. The dead end sign on the corner gets knocked down approximately every other year. This is an attempt to make the dangerous parking situation better. In the past he has been able to park across the street. He can no longer do that because of the new apartments.

In order to justify the cost of the garage, he should be doing something to make it proper which means having more storage and closet space off the master bedroom. That would give house proper amount of storage and properly update the house. He can not justify building just the garage.

The approval of the variance will not block anyone's view of the street side. It will not cause a traffic hazard. The addition will be tastefully done in brick to match the house. It will be landscaped and it will cure a traffic problem.

With no one further appearing, the public hearing was closed.

ACTION

December 21, 2001

Wanser moved denial, seconded by Hancock.

Wanser didn't feel that it was within Board's power to reduce the size of the front yard when there are other potential avenues for the neighborhood. He was not sure that lack of space was justification for that. He would like to see the applicant solve this by reducing the size of the right of way.

Carroll was of the opinion that this does fall under the Board's specifications because the Capitol Beach area is an unusual area. There are only two other residences that might want to ask for this variance. It doesn't affect the others in the area. He understands the storage problem. This is a busy street and with the new apartments across the street, street parking will be terrible. He is in favor of this.

Hancock stated that the small lot is peculiar and unusual, as is the neighborhood. The apartment project is not likely to make Public Works think they should widen the street. The large right of way is also an unusual condition.

Motion for denial failed 1-2; Wanser voting 'yes'; Hancock and Carroll voting 'no'; Krieser and Wibbels absent. This item will be held over for action only at the January meeting.

There being no further business, the meeting adjourned at 2:11 p.m.